

**ZB# 01-42**

**David Betrix**

**68-3-7.21**

# 01-42- Betrix, David

Area 68-3-7.21.

Prelim.

Aug. 13, 2001

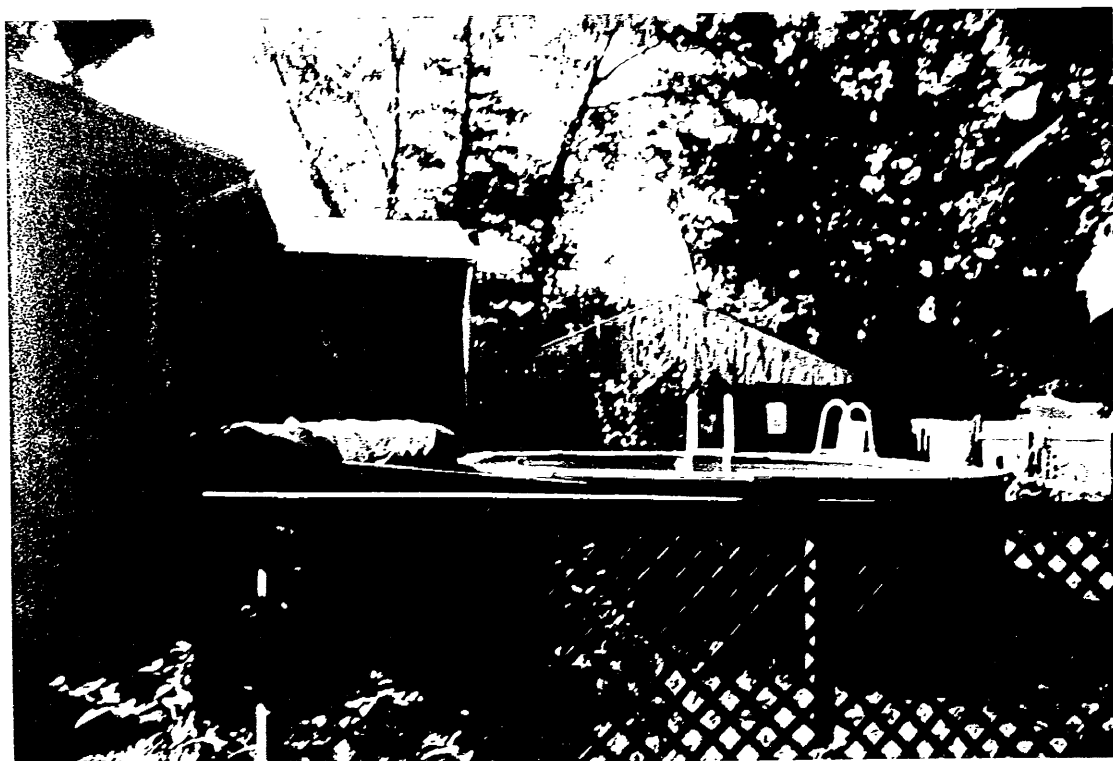
Application furnished

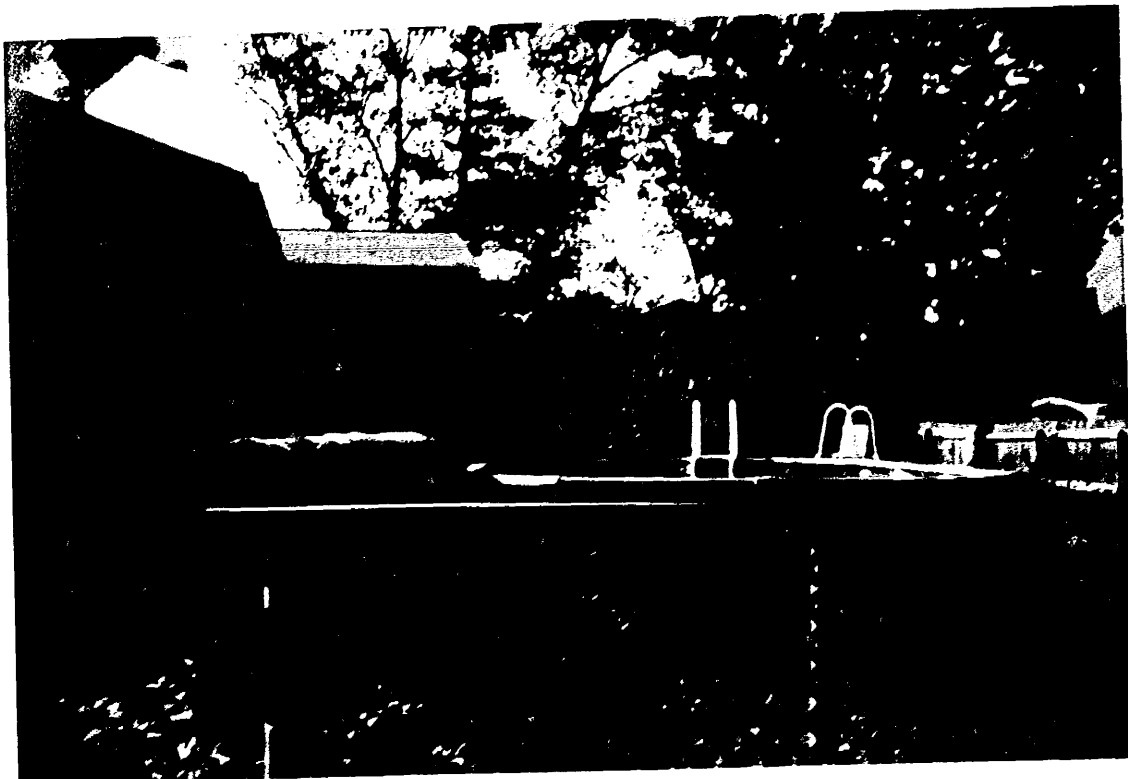
Public Hearing:

Dec. 17, 2001.

Granted.

Refund: \$212.00





APPLICATION FEE (DUE AT TIME OF FILING OF APPLICATION)

APPLICANT: Bethy, David

FILE# 01-42

RESIDENTIAL: \$50.00  
INTERPRETATION: \$150.00

COMMERCIAL: \$150.00

AREA X

USE     

APPLICATION FOR VARIANCE FEE ..... \$ 50.00

*paid 11/09/01.  
#474.*

ESCROW DEPOSIT FOR CONSULTANT FEES ..... \$ 300.00

*paid 11/09/01  
Ck. #473.*

DISBURSEMENTS:

STENOGRAPHER CHARGES: \$4.50 PER PAGE

PRELIMINARY MEETING-PER PAGE 8/13/01-2 \$ 9.00  
2ND PRELIMINARY- PER PAGE 12/17/01-2 \$ 9.00  
3RD PRELIMINARY- PER PAGE ..... \$       
PUBLIC HEARING - PER PAGE ..... \$       
PUBLIC HEARING (CONT'D) PER PAGE ..... \$     

TOTAL ..... \$ 18.00

ATTORNEY'S FEES: \$35.00 PER MEEETING

PRELIM. MEETING: ..... 8/13/01 ..... \$ 35.00  
2ND PRELIM. .... 12/17/01 ..... \$ 35.00  
3RD PRELIM. .... \$       
PUBLIC HEARING. .... \$       
PUBLIC HEARING (CONT'D) ..... \$     

TOTAL ..... \$ 70.00

MISC. CHARGES:

..... \$     

TOTAL ..... \$ 88.00

LESS ESCROW DEPOSIT ..... \$ 300.00

(ADDL. CHARGES DUE) ..... \$     

REFUND DUE TO APPLICANT .. \$ 212.00

Date 7/3/02, .....

# TOWN OF NEW WINDSOR

**TOWN HALL, 555 UNION AVENUE  
NEW WINDSOR, NEW YORK 12553**

TO David Betrix DR.

P.O. Box 465 - 55 Old Temple Hill Rd.  
Jails Gate, NY 12584.

[illegible]

DAVID BETRIX  
ELIZABETH BETRIX

(845) 561-7932  
P.O. BOX 465 55 OLD TEMPLE HILL RD.  
VALES GATE, NY 12584

28-1213

673

Pay To The  
Order of

Date

9 Nov 01

\$ 300.00

Dollars

FLEET BANK

WWW.FLEET.COM

VALES GATE

VALES GATE, NEW YORK

For

#01-42.

Charles Sch

021000190 52250 06964 0473

ARTIST'S BLOCKS • 1-800-224-7621 • BRUSHED FLOPPY

474

29-1/213

DAVID BETRIX  
ELIZABETH BETRIX  
(845) 581-7832  
P.O. BOX 485 65 OLD TEMPLE HILL RD.  
VALE GATE, NY 12584

Date 9 Nov 01

Pay To The  
Order of

Love of New Windsor

\$ 50.00

Dollars 50

FLEET BANK  
WWW.FLEET.COM  
VALE GATE  
VALE GATE, NEW YORK 12584

For 20A #01-42

Elizabeth Betrix

⑆021300019⑆ 52250 06964 0074

RED FLORAL

© 1995 ARTISTIC GREETINGS INC.



In the Matter of the Application of

**DAVID BETRIX**

MEMORANDUM OF  
DECISION GRANTING  
AREA VARIANCE

#01-42.

**WHEREAS, DAVID BETRIX**, residing at 55 Old Temple Hill Road, Vails Gate, N. Y. 12584, has made application before the Zoning Board of Appeals for an 11 ft. rear yard variance to allow an existing addition at the above single-family residence in a C zone; and

**WHEREAS**, a public hearing was held on the 17th day of December, 2001 before the Zoning Board of Appeals at the Town Hall, New Windsor, New York; and

**WHEREAS**, the Applicant appeared on behalf of himself for this Application; and

**WHEREAS**, there were no spectators appearing at the public hearing; and

**WHEREAS**, no one spoke in favor or in opposition to the Application; and

**WHEREAS**, a decision was made by the Zoning Board of Appeals on the date of the public hearing granting the application; and

**WHEREAS**, the Zoning Board of Appeals of the Town of New Windsor sets forth the following findings in this matter here memorialized in furtherance of its previously made decision in this matter:

1. The notice of public hearing was duly sent to residents and businesses as prescribed by law and in The Sentinel, also as required by law.

2. The evidence presented by the Applicant showed that:

(a) The property is a residential property consisting of a one-family home located in a C zone.

(b) An addition to the house has been erected and has existed for approximately 25 years.

(c) There have been no complaints either formally or informally about the addition.

- (d) With the addition, the house is consistent with other structures in the neighborhood..
- (e) The addition does not create any water hazards or runoffs, or divert the flow of water or cause the ponding or collection of water.
- (f) The addition is not built over any water or sewer easements.
- (g) The property is served by commercial water and sewer and therefore there is no well or septic system.

**WHEREAS,** The Zoning Board of Appeals of the Town of New Windsor makes the following conclusions of law here memorialized in furtherance of its previously made decision in this matter:

1. The requested variance will not produce an undesirable change in the character of the neighborhood or create a detriment to nearby properties.
2. There is no other feasible method available to the Applicant which can produce the benefits sought.
3. The variance requested is substantial in relation to the Town regulations but nevertheless is warranted for the reasons listed above.
4. The requested variance will not have an adverse effect or impact on the physical or environmental conditions in the neighborhood or zoning district.
5. The difficulty the Applicant faces in conforming to the bulk regulations is self-created but nevertheless should be allowed.
6. The benefit to the Applicant, if the requested variance is granted, outweighs the detriment to the health, safety and welfare of the neighborhood or community.
7. The requested variance is appropriate and is the minimum variance necessary and adequate to allow the Applicant relief from the requirements of the Zoning Local Law and at the same time preserve and protect the character of the neighborhood and the health, safety and welfare of the community.
8. The interests of justice will be served by allowing the granting of the requested area variance.

**NOW, THEREFORE, BE IT**

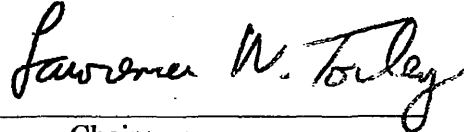
**RESOLVED,** that the Zoning Board of Appeals of the Town of New Windsor GRANT a request for an 11 ft. rear yard variance for an addition at the above address, in a C zone as sought

by the Applicant in accordance with plans filed with the Building Inspector and presented at the public hearing.

**BE IT FURTHER**

**RESOLVED**, that the Secretary of the Zoning Board of Appeals of the Town of New Windsor transmit a copy of this decision to the Town Clerk, Town Planning Board and Applicant.

Dated: March 11, 2002.

A handwritten signature in cursive script, reading "Lawrence W. Torley". The signature is written in dark ink and is positioned above a horizontal line.

Chairman

Date ..... 1/4/02 .....

# TOWN OF NEW WINDSOR

TOWN HALL, 555 UNION AVENUE  
NEW WINDSOR, NEW YORK 12553

TO ..... Frances Roth  
168 N. Drury Lane  
Newburgh, N.Y. 12550 ..... DR.

DATE			CLAIMED	ALLOWED
12/12/01		NW. Zoning Board	75.00	
		Misc. 3		
		Locurto - 3		
		Curtin - 4		
		Carlone - 2		
		Pflierger - 2		
		St. Hreft - 4		
		Bomaine - 3		
		DiCoco - 2		
		Betrix - 2		
		Sisters of the Presentation - 3		
		28	126.00	
			201.00	

PUBLIC HEARING

BETRIX, DAVID

MR. TORLEY: Request for 11 ft. rear yard variance for existing addition at 55 Old Temple Hill Road in a C zone.

Mr. Betrix appeared before the board for this proposal.

MR. TORLEY: There being no one in the audience at all.

MS. CORSETTI: Even though we sent out 23 notices on the 13th of November.

MR. TORLEY: We'll so note that for the record. So what do you need to do?

MR. BETRIX: This is all in preparation for a C.O. to sell the house.

MR. KANE: How long has the addition been there?

MR. BETRIX: Good 25 years.

MR. KANE: Any complaints formally or informally about it?

MR. BETRIX: No.

MR. KANE: Is the addition in the--

MR. BETRIX: Nobody around the house owns their house, they all rent.

MR. KANE: Is the addition on the house similar to, make it similar in size to other homes in the area, nothing abnormal about it?

MR. BETRIX: No.

MR. KANE: Any creation of water hazards or runoffs from the addition?

MR. BETRIX: No.

MR. TORLEY: It's not built over any sewer or water easements?

MR. BETRIX: It's not on the ground.

MR. TORLEY: It's an addition above ground, you can't build above a water or sewer easement.

MR. BETRIX: No, nothing, water line comes out the end of the house.

MR. REIS: I make a motion that we pass Mr. Betrix's requested variance at 55 Old Temple Hill Road.

MR. KANE: Second the motion.

ROLL CALL

MR. REIS	AYE
MR. KANE	AYE
MR. MC DONALD	AYE
MR. RIVERA	AYE
MR. TORLEY	AYE

**Town of New Windsor  
555 Union Avenue  
New Windsor, NY 12553  
(845) 563-4611**

**RECEIPT  
#1066-2001**

**11/09/2001**

**Betrix, David And Elizabeth** #01-42

**Received \$ 50.00 for Zoning Board Fees on 11/09/2001. Thank you for stopping by  
the Town Clerk's office.**

**As always, it is our pleasure to serve you.**

**Deborah Green  
Town Clerk**

**ZONING BOARD OF APPEALS:TOWN OF NEW WINDSOR  
COUNTY OF ORANGE:STATE OF NEW YORK**

**In the Matter of the Application for Variance of**

David B. & Elizabeth A. Betrix

**AFFIDAVIT OF  
SERVICE  
BY MAIL**

#01-42.

STATE OF NEW YORK )  
 ) SS.:  
COUNTY OF ORANGE )

**PATRICIA A. CORSETTI, being duly sworn, deposes and says:**

That I am not a party to the action, am over 18 years of age and reside at 7 Franklin Avenue, New Windsor, N. Y. 12553.

That on the 13 day of November, 2001, I compared the 23 addressed envelopes containing the Public Hearing Notice pertinent to this case with the certified list provided by the Assessor regarding the above application for a variance and I find that the addresses are identical to the list received. I then caused the envelopes to be deposited in a U.S. Depository within the Town of New Windsor.

**Notary Public**

Sworn to before me this

\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

**Notary Public**





# Town of New Windsor

555 Union Avenue  
New Windsor, New York 12553  
Telephone: (845) 563-4631  
Fax: (845) 563-4693

## Assessors Office

August 17, 2001

73

David Betrix  
P.O. Box 465  
Vails Gate, NY 12584

Re: 68-3-7.21 (55 Old Temple Hill Road)

Dear Mr. Betrix:

According to our records, the attached list of property owners are within five hundred (500) feet of the above referenced property.

The charge for this service is \$45.00, minus your deposit of \$25.00.

Please remit the balance of \$20.00 to the Town Clerk's Office.

Sincerely,

*L. Cook*

Leslie Cook  
Sole Assessor

LC/lrd  
Attachments

CC: Pat Corsetti, ZBA

65-2-12.1  
WVR Real Estate II LLC  
158 North Main Street  
Florida, NY 10921

65-2-41 & 65-2-42  
Arthur D. Stockdale  
26 Kriste Lane  
Jericho, VT 05465

68-2-9  
✓ Gilbert Rashbaum  
6075 Pelican Bay Blvd.  
Naples, FL 33963

68-2-10  
✓ Clarence & Lorraine Gualtieri  
P.O. Box 157  
Vails Gate, NY 12584

✓ 68-2-11.12  
Fall Fittings, Inc.  
380 Route 208  
New Paltz, NY 12561

✓ 68-2-12.11  
Sy Realty Corporation  
135 Pinetree Road  
Monroe, NY 10950

✓ 68-2-12.12  
Sy Realty Corporation  
550 Hamilton Avenue  
Brooklyn, NY 11232

✓ 68-2-12.22  
Eric D. Strober  
John Yankulis  
C/o Temple Hill Property  
550 Hamilton Avenue  
Brooklyn, NY 11232

✓ 68-3-1  
Thomas & Kathleen Manning  
2 Creek Run Road  
Newburgh, NY 12550

✓ 68-3-2  
Mani M. Inaganti  
P.O. Box 787  
Vails Gate, NY 12584

✓ 68-3-3  
Terry & Lorraine De Couto  
P.O. Box 4206  
New Windsor, NY 12553

✓ 68-3-4 & 68-3-5  
Wayland H. & Joy C. Sheafe  
1661 Little Britain Road  
Rock Tavern, NY 12575

✓ 68-3-6  
Anthony & Gemma Tornatore  
82 Continental Drive  
New Windsor, NY 12553

✓ 68-3-7.1 & 68-3-7.22  
Walter & Louella Nichols  
P.O. Box 579  
Vails Gate, NY 12584

✓ 68-3-8 & 68-3-11  
Frances T. Taravella  
13 Wintergreen Avenue  
Newburgh, NY 12550

✓ 68-3-9  
Eugene L. & Ruth Andrews  
P.O. Box 114  
Vails Gate, NY 12584

✓ 68-3-10  
Paula Martino  
11 Buttonwood Drive  
New Windsor, NY 12553

✓ 68-3-12  
Antonio & Giencinta DeDominicis  
P.O. Box 327  
Cornwall, NY 12518

✓ 68-3-13, 68-3-14 & 68-3-15  
Robert P. & Catherine J. Babcock  
324 Station Road  
Rock Tavern, NY 12575

✓ 71-1-44  
Earnest & Ruth Banks  
95 Vails Gate Heights Drive  
New Windsor, NY 12553

✓ 71-1-45  
Bank of New York  
C/o Metwest Mortgage Service Inc.  
601 W. 1<sup>st</sup> Avenue  
Spokane, WA 99201

✓ 71-1-63  
Town of New Windsor  
555 Union Avenue  
New Windsor, NY 12553

✓ 71-1-64  
Dominick S. & Lucille Parisi  
53 Highview Avenue  
Newburgh, NY 12550

Pls. publish immediately. Send bill to Applicants @ below address:

**PUBLIC NOTICE OF HEARING  
ZONING BOARD OF APPEALS  
TOWN OF NEW WINDSOR**

**PLEASE TAKE NOTICE** that the Zoning Board of Appeals of the TOWN OF NEW WINDSOR, New York, will hold a Public Hearing pursuant to Section 48-34A of the Zoning Local Law on the following Proposition:

Appeal No. 42

Request of David B. & Elizabeth A. Betrix

for a VARIANCE of the Zoning Local Law to Permit:

existing addition of less than the allowable  
rear yard;

being a VARIANCE of Section 48-12 - Table of Use/Bulk Regs. Col. G

for property situated as follows:

55 Old Temple Hill Road, New Windsor, N.Y. 12553.

known and designated as tax map Section 68, Blk. 3 Lot 7.21.

**PUBLIC HEARING** will take place on the 17<sup>th</sup> day of December 2001 at the New Windsor Town Hall, 555 Union Avenue, New Windsor, New York beginning at 7:30 o'clock P.M.

Lawrence Torley  
Chairman

By: Patricia A. Corsetti, Secy.

TOWN OF NEW WINDSOR  
ZONING BOARD OF APPEALS

APPLICATION FOR VARIANCE

# 01-42

Date: 11/09/01

I. Applicant Information:

- (a) DAVID B. & ELIZABETH A. BETRIX  
(Name, address and phone of Applicant) (Owner)
- (b) 55 OLD TEMPLE HILL RD VALES GATE NY 12584  
(Name, address and phone of purchaser or lessee)
- (c) \_\_\_\_\_  
(Name, address and phone of attorney)
- (d) \_\_\_\_\_  
(Name, address and phone of contractor/engineer/architect)

II. Application type:

- ☐ Use Variance ☐ Sign Variance
- ☒ Area Variance ☐ Interpretation

III. Property Information:

- (a) C. (Same as above) 68-3 7.21  
(Zone) (Address) (S B L) (Lot size)
- (b) What other zones lie within 500 ft.? None
- (c) Is a pending sale or lease subject to ZBA approval of this application? No
- (d) When was property purchased by present owner? YES
- (e) Has property been subdivided previously? NO
- (f) Has property been subject of variance previously? NO  
If so, when? \_\_\_\_\_
- (g) Has an Order to Remedy Violation been issued against the property by the Building/Zoning Inspector? NO
- (h) Is there any outside storage at the property now or is any proposed? Describe in detail: NO
- \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

IV. Use Variance. N/A

- (a) Use Variance requested from New Windsor Zoning Local Law, Section \_\_\_\_\_, Table of \_\_\_\_\_ Regs., Col. \_\_\_\_\_, to allow: \_\_\_\_\_  
(Describe proposal) \_\_\_\_\_
- \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

(b) The legal standard for a "use" variance is unnecessary hardship. Describe why you feel unnecessary hardship will result unless the use variance is granted. Also set forth any efforts you have made to alleviate the hardship other than this application.

We have to sell the house as we cannot afford the taxes since my husband has retired.

(c) Applicant must fill out and file a Short Environmental Assessment Form (SEQR) with this application.

(d) The property in question is located in or within 500 ft. of a County Agricultural District: Yes \_\_\_ No ✓.

If the answer is Yes, an agricultural data statement must be submitted along with the application as well as the names of all property owners within the Agricultural District referred to. You may request this list from the Assessor's Office.

✓ V. Area variance:

(a) Area variance requested from New Windsor Zoning Local Law, Section 48-12, Table of Use/Bulk Regs., Col. G.

<u>Requirements</u>	<u>Proposed or Available</u>	<u>Variance Request</u>
Min. Lot Area _____	_____	_____
Min. Lot Width _____	_____	_____
Reqd. Front Yd. _____	_____	_____
Reqd. Side Yd. _____	_____	_____
Reqd. Rear Yd. <u>40 ft.</u>	<u>29 ft.</u>	<u>11 ft.</u>
Reqd. Street Frontage* _____	_____	_____
Max. Bldg. Hgt. _____	_____	_____
Min. Floor Area* _____	_____	_____
Dev. Coverage* _____ %	_____ %	_____ %
Floor Area Ratio** _____	_____	_____
Parking Area _____	_____	_____

\* Residential Districts only

\*\* No-residential districts only

(b) In making its determination, the ZBA shall take into consideration, among other aspects, the benefit to the applicant if the variance is granted as weighed against the detriment to the health, safety and welfare of the neighborhood or community by such grant. Also, whether an undesirable change will be produced in the character of the neighborhood or a detriment to nearby properties will be created by the granting of the area variance; (2) whether the benefit sought by the applicant can be achieved by some other method feasible for the applicant to pursue other than an area variance; (3)

whether the requested area variance is substantial; (4) whether the proposed variance will have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district; and (5) whether the alleged difficulty was self-created. Describe why you believe the ZBA should grant your application for an area variance:

The proposed variance will not be a detriment to the neighborhood or cause an undesirable change since the addition has been in place for 20 years; no complaints have been registered either formal or informal.

(You may attach additional paperwork if more space is needed)

VI. Sign Variance: N/A

(a) Variance requested from New Windsor Zoning Local Law, Section \_\_\_\_\_, \_\_\_\_\_ Regs.

	<u>Requirements</u>	<u>Proposed or Available</u>	<u>Variance Request</u>
Sign 1	_____	_____	_____
Sign	_____	_____	_____
Sign 3	_____	_____	_____
Sign	_____	_____	_____
	_____	_____	_____
	_____	_____	_____

(b) Describe in detail the sign(s) for which you seek a variance, and set forth your reasons for requiring extra or over size signs.

\_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

(c) What is total area in square feet of all signs on premises including signs on windows, face of building, and free-standing signs?

\_\_\_\_\_  
 \_\_\_\_\_

VII. Interpretation. N/A

(a) Interpretation requested of New Windsor Zoning Local Law, Section \_\_\_\_\_, Table of \_\_\_\_\_ Regs., Col. \_\_\_\_\_.

(b) Describe in detail the proposal before the Board:

\_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

✓ VIII. Additional comments:

(a) Describe any conditions or safeguards you offer to ensure that the quality of the zone and neighboring zones is maintained or



CONSULT YOUR LAWYER BEFORE SIGNING THIS INSTRUMENT — THIS INSTRUMENT SHOULD BE USED BY LAWYERS ONLY

**THIS INDENTURE**, made the 21<sup>st</sup> day of January, nineteen hundred and seventy-two  
**BETWEEN** WILLIAM F. GAUDINO and MARY GAUDINO, husband and wife,  
both residing at 146 E. Melrose Street, Valley Stream,  
New York

party of the first part, and DAVID B. BETRIX and ELIZABETH A. BETRIX, husband  
and wife, both residing at Ten Crystal Lake,  
Highland Falls, New York

party of the second part,

**WITNESSETH**, that the party of the first part, in consideration of

TEN and 00/100 ----- (\$10.00) ----- dollars,

lawful money of the United States, paid

by the party of the second part, does hereby grant and release unto the party of the second part, the heirs or  
successors and assigns of the party of the second part forever,

**ALL** that certain plot, piece or parcel of land, with the buildings and improvements thereon erected, situ-  
ate, lying and being in the Town of New Windsor, Orange County, State of New  
York, more particularly bounded and described as follows:



X21  
BEGINNING at a point in the proposed southwesterly line of Old Temple Hill Road, said point of beginning being 25.00 feet from the existing centerline of the above mentioned road and also being the most northerly corner of premises conveyed by Hedges to Maganuco in Liber 1276 cp. 254 and the most easterly corner of the parcel herein described; thence along a wire fence the following two courses: south  $58^{\circ} 47' 38''$  west as measured along lands now or formerly Maganuco 114.13 feet, north  $66^{\circ} 36' 27''$  west 4.85 feet to the southeasterly corner of a garage, thence along the rear face of said garage north  $31^{\circ} 21' 04''$  west 29.49 feet; thence leaving the face of said garage, along a fence the following courses; south  $61^{\circ} 31' 34''$  west 2.65 feet, north  $26^{\circ} 18' 23''$  west 76.16 feet, north  $6^{\circ} 42' 31''$  east 1.28 feet to the corner of the shed; thence along the rear face of said shed north  $28^{\circ} 36' 25''$  west 9.42 feet to a point; thence leaving the shed north  $39^{\circ} 47' 33''$  west 1.70 feet to an iron pin and lands now or formerly of D'Aquino (Liber 1033 cp. 332), thence north  $57^{\circ} 27' 45''$  east along lands now or formerly of D'Aquino 110.13 feet to a point in the proposed southwesterly road boundary; thence along the last mentioned proposed road boundary south  $32^{\circ} 10' 22''$  east 124.13 feet to the point of beginning.

CONTAINING 0.32 acres more or less.

TOGETHER with all right, title and interest of the grantor in the road bed of "Old Temple Hill Road" to the center line thereof, subject, however, to the right of user in the public.

The above description is based on survey of Vincent Doce dated December 20, 1971

The above premises being ~~and~~ intended to be a portion of the same premises conveyed from Violet Perry to William Gaudino and Mary Gaudino by deed dated July 28, 1950 and recorded in the Orange County Clerk's office on August 2, 1950 in liber 1166 of deed at page 612.

**TOGETHER** with all right, title and interest, if any, of the party of the first part, in and to any streets and roads abutting the above described premises to the center lines thereof,

**TOGETHER** with the appurtenances and all the estate and rights of the party of the first part in and to said premises,

**TO HAVE AND TO HOLD** the premises herein granted unto the party of the second part, the heirs or successors and assigns of the party of the second part forever.

**AND** the party of the first part, in compliance with Section 13 of the Lien Law, covenants that the party of the first part will receive the consideration for this conveyance and will hold the right to receive such consideration as a trust fund to be applied first for the purpose of paying the costs of the improvement and will apply the same first to the payment of the cost of the improvement before using any part of the total of the same for any other purpose.

**AND** the party of the first part covenants as follows:

**FIRST.**---That said party of the first part is seized of the said premises in fee simple, and has good right to convey the same;

**SECOND.**---That the party of the second part shall quietly enjoy the said premises;

**THIRD.**---That the said premises are free from incumbrances, except as aforesaid;

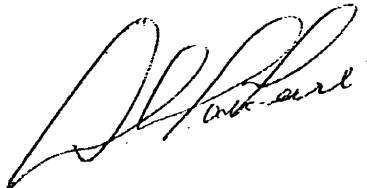
**FOURTH.**---That the party of the first part will execute or procure any further necessary assurance of the title to said premises;

**FIFTH.**---That said party of the first part will forever warrant the title to said premises.

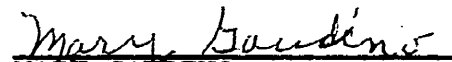
The word "party" shall be construed as if it read "parties" whenever the sense of this indenture so requires.

**IN WITNESS WHEREOF**, the party of the first part has duly executed this deed the day and year first above written.

IN PRESENCE OF:



  
WILLIAM F. GAUDINO

  
MARY GAUDINO

LIBER 1896 PG 977

STATE OF NEW YORK, COUNTY OF ORANGE SS:

On the 11 day of January 1972, before me personally came

WILLIAM F. GAUDINO and  
MARY GAUDINO

to me known to be the individual described in and who executed the foregoing instrument, and acknowledged that they executed the same.

ALFRED F. CAVALARI  
Notary Public in the State of New York  
Residing in and for the County of Orange  
Commission Expires March 30, 1973

ALFRED F. CAVALARI  
Notary Public in the State of New York  
Residing in and for Orange County  
Commission expires March 30, 1973

STATE OF NEW YORK, COUNTY OF ORANGE SS:

On the day of 19 , before me personally came to me known, who, being by me duly sworn, did depose and say that he resides at No.

that he is the of

, the corporation described in and which executed the foregoing instrument; that he knows the seal of said corporation; that the seal affixed to said instrument is such corporate seal; that it was so affixed by order of the board of directors of said corporation, and that he signed his name thereto by like order.

STATE OF NEW YORK, COUNTY OF ORANGE SS:

On the day of 19 , before me personally came

to me known to be the individual described in and who executed the foregoing instrument, and acknowledged that executed the same.

STATE OF NEW YORK, COUNTY OF ORANGE SS:

On the day of 19 , before me personally came the subscribing witness to the foregoing instrument, with whom I am personally acquainted, who, being by me duly sworn, did depose and say that he resides at No.

that he knows

to be the individual described in and who executed the foregoing instrument; that he, said subscribing witness, was present and saw execute the same; and that he, said witness, at the same time subscribed his name as witness thereto.

# Warranty Deed

WITH FULL COVENANTS.

TITLE NO.

TO

SECTION

BLOCK

LOT

COUNTY OR TOWN

Recorded at Request of  
CHICAGO TITLE INSURANCE COMPANY  
HOME TITLE DIVISION

Return by Mail to

STANDARD FORM OF NEW YORK BOARD OF TITLE UNDERWRITERS

Distributed by

**CHICAGO TITLE  
INSURANCE COMPANY  
HOME TITLE DIVISION**

*Edward A. Kaplan Esq.  
184 Liberty Street  
Newburgh, N.Y. 12550*

Zip No.

*Chy to: Brooming Studio*

*Chy Brooming*

*2365  
550*

RESERVE THIS SPACE FOR USE OF RECORDING OFFICE

ORANGE  
COUNTY

0 2 6 0 7 1

REAL ESTATE  
TRANSFER TAX

Dept. of  
Taxation JAN 24 '72  
& Finance



STATE OF  
NEW YORK

23.65

P.B. 10951

*PHONE 294-5151*

Orange County Clerk's Office, s.s.

Recorded on the *24th* day

of *Jan.* 19 *72* at *10:35*

o'clock *A.* M. in Liber *878*

and Examined.

*C. H. Winter*

**OFFICE OF THE BUILDING INSPECTOR  
TOWN OF NEW WINDSOR  
ORANGE COUNTY, NEW YORK**

**NOTICE OF DISAPPROVAL OF BUILDING PERMIT APPLICATION**

**APPLICANT IS TO PLEASE CONTACT THE ZONING BOARD SECRETARY AT (845) 563-4630 TO  
MAKE AN APPOINTMENT WITH THE ZONING BOARD OF APPEALS.**

DATE: 7/5/01

APPLICANT: David Betrix  
55 Old Temple Hill Road  
PO Box 465  
New Windsor, NY 12553

**COPY**

PLEASE TAKE NOTICE THAT YOUR APPLICATION DATE:

FOR : Existing enclosed rear room

LOCATED AT: 55 Old temple Hill Road

ZONE: C      Sec/ Blk/ Lot: 68-3-7.21

DESCRIPTION OF EXISTING SITE: Existing one family house

IS DISAPPROVED ON THE FOLLOWING GROUNDS:

1. Existing enclosed rear room.

  
BUILDING INSPECTOR

PERMITTED 40ft

PROPOSED OR  
AVAILABLE:

VARIANCE  
REQUEST:

ZONE: C      USE: R-4 Bulk Tables 8-G

MIN LOT AREA:

MIN LOT WIDTH:

REQ'D FRONT YD:

REQ'D SIDE YD:

REQ'D TOTAL SIDE TD:

REQ'D REAR YD:

29ft

11ft

REQ'D FRONTAGE:

MAX BLDG HT:

FLOOR AREA RATIO:

MIN LIVABLE AREA:

DEV COVERAGE:

cc: Z.B.A.. APPLICANT. FILE. W/ ATTACHED MAP

PLEASE ALLOW FIVE TO TEN DAYS TO PROCESS  
**IMPORTANT**  
YOU MUST CALL FOR ALL REQUIRED INSPECTIONS OF CONSTRUCTION

Other inspections will be made in most cases but those listed below must be made or Certificate of Occupancy may be withheld. Do not mistake an unscheduled inspection for one of those listed below. Unless an inspection report is left on the job indicating approval of one of these inspections it has not been approved and it is improper to continue beyond that point in the work. Any disapproved work must be reinspected after correction.

RECEIVED

JUN 26 2001

BUILDING DEPARTMENT

1. When excavating is complete and footing forms are in place (before pouring.)
2. Foundation inspection. Check here for waterproofing and footing drains.
3. Inspect gravel base under concrete floors and underslab plumbing.
4. When framing, rough plumbing, rough electric and before being covered.
5. Insulation.
6. Final inspection for Certificate of Occupancy. Have on hand electrical inspection data and final certified plot plan. Building is to be completed at this time. Well water test required and engineer's certification letter for septic system required.
7. Driveway inspection must meet approval of Town Highway Superintendent. A driveway bond may be required.
8. \$50.00 charge for any site that calls for the inspection twice.
9. Call 24 hours in advance, with permit number, to schedule inspection.
10. There will be no inspections unless yellow permit card is posted.
11. Sewer permits must be obtained along with building permits for new houses.
12. Septic permit must be submitted with engineer's drawing and perc test.
13. Road opening permits must be obtained from Town Clerk's office.
14. All building permits will need a Certificate of Occupancy or a Certificate of Compliance and here is no fee for this.

FOR OFFICE USE ONLY:  
Building Permit #: 2001-632

**AFFIDAVIT OF OWNERSHIP AND/OR CONTRACTOR'S COMP & LIABILITY INSURANCE CERTIFICATE IS  
REQUIRED BEFORE PERMIT WILL BE ISSUED**

PLEASE PRINT CLEARLY - FILL OUT ALL INFORMATION WHICH APPLIES TO YOU

Owner of Premises

David Betrix

Address

PO Box 465

Phone #

561-7932

Mailing Address

55 Old Temple Hill Rd

Fax #

Name of Architect

Owner

Address

Phone

Name of Contractor



Address \_\_\_\_\_ Phone \_\_\_\_\_

State whether applicant is owner, lessee, agent, architect, engineer or builder \_\_\_\_\_

If applicant is a corporation, signature of duly authorized officer \_\_\_\_\_

(Name and title of corporate officer)

1. On what street is property located? On the \_\_\_\_\_ side of Old Temple Hill Rd  
(N, S, E or W)  
and \_\_\_\_\_ feet from the intersection of \_\_\_\_\_

2. Zone or use district in which premises are situated \_\_\_\_\_ Is property a flood zone? Y \_\_\_\_\_ N \_\_\_\_\_

3. Tax Map Description: Section \_\_\_\_\_ Block \_\_\_\_\_ Lot \_\_\_\_\_

4. State existing use and occupancy of premises and intended use and occupancy of proposed construction.

a. Existing use and occupancy 1 family b. Intended use and occupancy 1 family

5. Nature of work (check if applicable) ☐ New Bldg. ☐ Addition ☒ Alteration ☐ Repair ☐ Removal ☐ Demolition ☐ Other

enclosed porch to room (existing)

6. Is this a corner lot? no

7. Dimensions of entire new construction. Front 12x18 Rear \_\_\_\_\_ Depth \_\_\_\_\_ Height \_\_\_\_\_ No. of stories \_\_\_\_\_

8. If dwelling, number of dwelling units: \_\_\_\_\_ Number of dwelling units on each floor \_\_\_\_\_

Number of bedrooms \_\_\_\_\_ Baths \_\_\_\_\_ Toilets \_\_\_\_\_ Heating Plant: Gas \_\_\_\_\_ Oil \_\_\_\_\_

Electric/Hot Air \_\_\_\_\_ Hot Water \_\_\_\_\_ If Garage, number of cars \_\_\_\_\_

9. If business, commercial or mixed occupancy, specify nature and extent of each type of use \_\_\_\_\_

10. Estimated cost \$5,000 Fee \_\_\_\_\_

**PAID**

CH# 377 6/26/1

6126101  
date

APPLICATION FOR BUILDING PERMIT  
TOWN OF NEW WINDSOR, ORANGE COUNTY, NEW YORK  
Pursuant to New York State Building Code and Town Ordinances

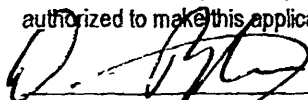
Building Inspector: Michael L. Babcock  
Asst. Inspectors Frank Lisi & Louis Krychear  
New Windsor Town Hall  
555 Union Avenue  
New Windsor, New York 12553  
(845) 563-4618  
(845) 563-4695 FAX

Bldg Insp Examined \_\_\_\_\_  
Fire Insp Examined \_\_\_\_\_  
Approved \_\_\_\_\_  
Disapproved \_\_\_\_\_  
Permit No. \_\_\_\_\_

INSTRUCTIONS

- A. This application must be completely filled in by typewriter or in ink and submitted to the Building Inspector.
- B. Plot plan showing location of lot and buildings on premises, relationship to adjoining premises or public streets or areas, and giving a detailed description of layout of property must be drawn on the diagram, which is part of this application.
- C. This application must be accompanied by two complete sets of plans showing proposed construction and two complete sets of specifications. Plans and specifications shall describe the nature of the work to be performed, the materials and equipment to be used and installed and details of structural, mechanical and plumbing installations.
- D. The work covered by this application may not be commenced before the issuance of a Building Permit.
- E. Upon approval of this application, the Building Inspector will issue a Building Permit to the applicant together with approved set of plans and specifications. Such permit and approved plans and specifications shall be kept on the premises, available for inspection throughout the progress of the work.
- F. No building shall be occupied or used in whole or in part for any purpose whatever until a Certificate of Occupancy shall have been granted by the Building Inspector.

APPLICATION IS HEREBY MADE to the Building Inspector for the issuance of a Building Permit pursuant to the New York Building Construction Code Ordinances of the Town of New Windsor for the construction of buildings, additions, or alterations, or for removal or demolition or use of property as herein described. The applicant agrees to comply with all applicable laws, ordinances, regulations and certifies that he is the owner or agent of all that certain lot, piece or parcel of land and/or building described in this application and if not the owner, that he has been duly and properly authorized to make this application and to assume responsibility for the owner in connection with this application.

  
(Signature of Applicant)

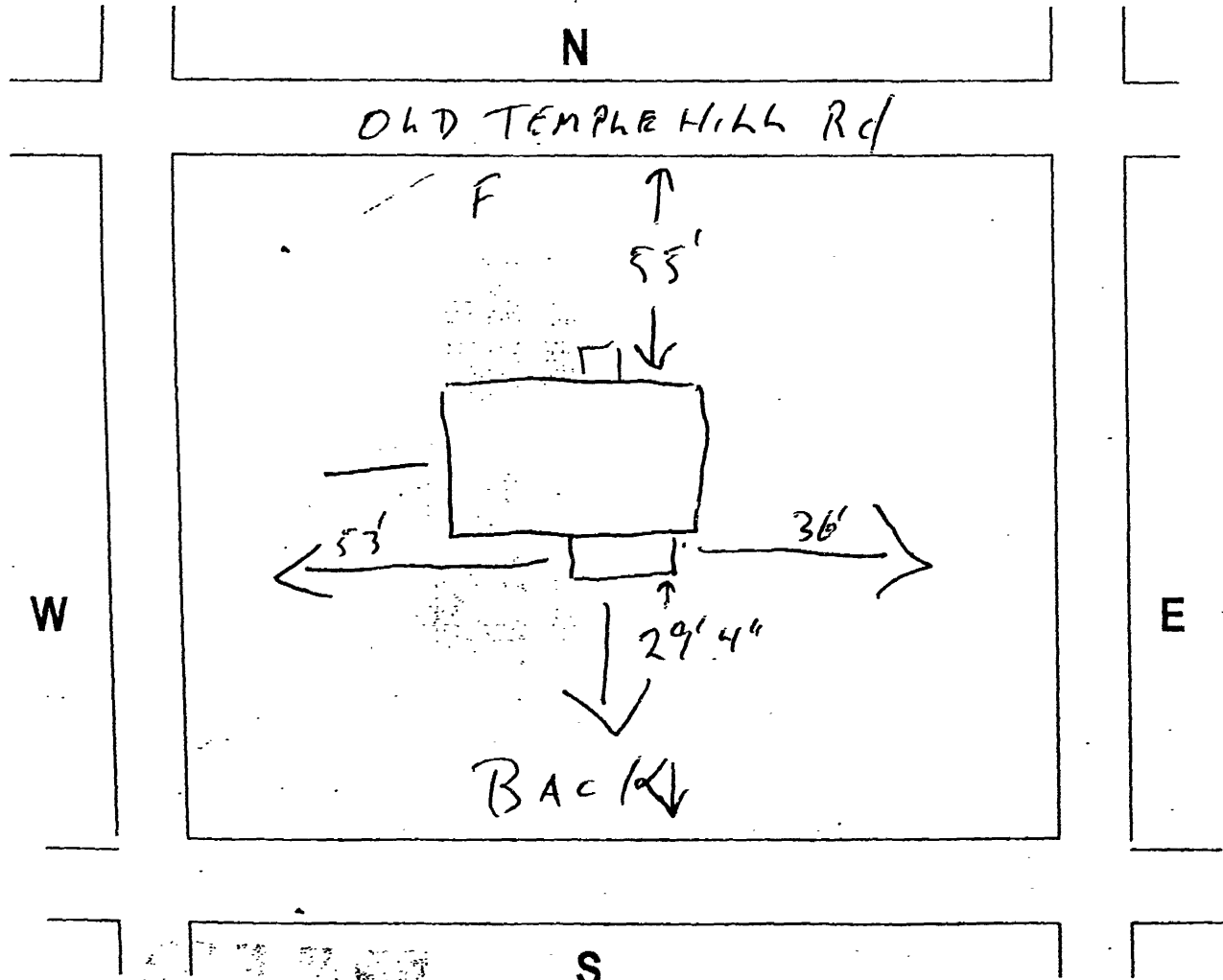
55 OLD TEMPLE HILL Rd.  
(Address of Applicant)

SAVE  
(Owner's Signature)

(Owner's Address)

PLOT PLAN

**NOTE:** Locate all buildings and indicate all set back dimensions. Applicant must indicate the building line or lines clearly and distinctly on the drawings.



SECTION 65

STATE HWY. 300 ——— TEMPLE HIL

102  
120.3  
62.9  
4  
67.4  
5.6  
7.1  
125  
8  
52.5  
200  
700  
213.7

200

ROA

Date 9/24/01

# TOWN OF NEW WINDSOR

TOWN HALL, 555 UNION AVENUE  
NEW WINDSOR, NEW YORK 12553

TO Frances Roth DR.  
168 N. Drury Lane  
Newburgh, N.Y. 12550

DATE			CLAIMED	ALLOWED
8/13/01	Zoning Board Mtg		75 00	
	Mrs. - 3			
	Rodriguez - 2			
	Viera - 2			
	Conklin - 1			
	Steiner - 4			
	Betrix - 2 9.00.			
	Panagiotopoulos - 3			
	Hofding - 3			
	First Columbia - 3			
	Deyo - 19		202 50	
	Bathwell -			
	45		277 50	

BETRIX, DAVID

Mr. David Betrix appeared before the board for this proposal.

MR. TORLEY: Request for 11 ft. rear yard variance for existing addition at 55 Old Temple Hill Road in a C zone.

MR. TORLEY: Just tell us what you want to do, that's the problem.

MR. BETRIX: 28 years ago, I put an addition on the back of the house with no permit, not knowing that I needed any. Now I'm retired, I can't afford to stay here with the taxes. I have to sell the house to get out so this is what I was told by the town that I need a variance and lots of other things.

MR. KANE: When and if the board sets you up for a public hearing, could you bring in some pictures of the house and the back yard?

MR. BETRIX: Yes.

MR. MC DONALD: This is an enclosed porch that you're going to convert to a room?

MR. BETRIX: No, it's--

MR. MC DONALD: It's a room now, it's existing?

MR. BETRIX: Yes.

MR. MC DONALD: And because you're selling it, you have to get--

MR. BETRIX: I have to get a variance and a C.O.

MR. KANE: Any complaints over the last 26 years, formally, informally on it?

MR. BETRIX: No, everybody around is renting that's now how I figured I must of got away with it, nobody objected to it going up.

MR. REIS: Accept a motion?

MR. TORLEY: Because very unusual piece, there's the little tiny sliver of land in the back of his property, I don't know how that became into existence.

MR. BETRIX: I can tell you.

MR. TORLEY: I'm not expecting you to do this, but one of the things we're going to ask you at the public hearing is if there's any alternatives and one of the alternatives is to try to shorten, reduce the variance by purchasing that strip of land we're not asking you to do that.

MR. BETRIX: It's already purchased.

MR. TORLEY: It will be part of the record that we're asking you.

MR. BETRIX: I don't own it.

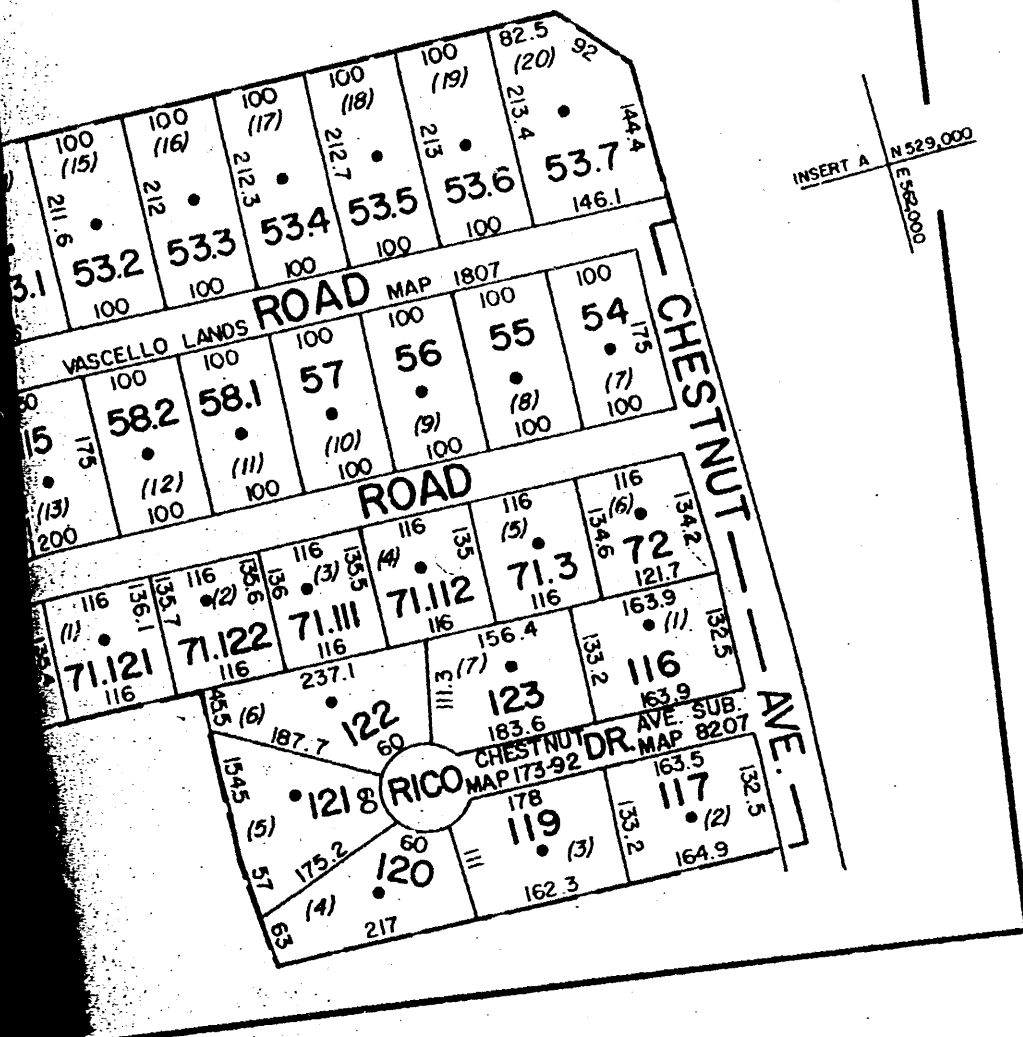
MR. TORLEY: That's fine, I know, that's what we're trying, that will be in the public hearing, just covers that base, that's all, don't worry about it, but we have to ask for it. Gentlemen, any other questions?

MR. REIS: I make a motion that we set up Mr. Betrix for his requested variance at 55 Old Temple Hill Road.

MR. KANE: Second it.

ROLL CALL

MR. RIVERA	AYE
MR. MC DONALD	AYE
MR. REIS	AYE
MR. CANE	AYE
MR. TORLEY	AYE



INSERT A N 529,000  
E 562,000

ALL CORNWALL  
ALL VAILS GAT

TOWN OF NEW WINDSOR

TOWN OF NEW

Section No. 50

Section No. 57